

REMARKS

Claims 1-15 are now in this Application, and are presented for the Examiner's consideration.

Allowable Claims

Claims 2, 4-6, 8 and 9 were indicated as containing allowable subject matter and would be allowed if rewritten in independent form.

In this regard, claims 2, 4-6 and 8 (from which claim 9 depends) have been rewritten in independent form.

It is therefore submitted that claims 2, 4-6, 8 and 9, as amended, are now in condition for allowance.

Additional Claim Fee

Since there are now a total of six independent claims in the present application, there is an additional claim fee of \$300.00 for the three independent claims in excess of three.

In this regard, enclosed is Form PTO-2038 (Credit Card Payment Form), authorizing payment of this \$300.00 to the undersigned's credit card.

Prior Art Rejections

Claims 1, 3, 7 and 10-12 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,920,886 to

McCambridge et al.

It will be appreciated that the construction of McCambridge et al is very different from the present invention.

Specifically, McCambridge et al includes two completely independent sets of actuators, that is, pivoting portion 36 and handle 72 which correspond respectively to second leg 20 and curling clamp 64. In this regard, the two sets of actuators also have different pivot points, that is, pivot pin 32 and pin 70, such that the movement of one actuator is irrelevant to and distinct from the other actuator.

It will be appreciated that the actuator formed by pivot portion 36 and the lower straightening barrel formed by second leg 20, form a unity construction, running from the top of the curler at the handle side to the bottom of the styling side through the hinge formed by pivot pin 32 at center portion 30. This action is similar to a pair of pliers during use, that is, when one end is grasped, then the other end will be closed.

At the styling side, the actual movement part is the lower straightening barrel 20 as the grip handle 38 is held by the hand. The straightening actuator formed by pivot portion 36 must be locked on the grip handle 38 and become part of the grip handle 38 when curling clamp 64 is used. On the other hand, the user needs to release the pivot portion 36 from the tang 54 in order to use the straightening barrel, so that spring 40 will

push pivot portion 36, and hence, second leg 20, to open.

Handle 72 and the curved curling clamp 64 also form a unitary assembly, and the arrangement is the same as a conventional curler clamp.

On the other hand, the present invention is very different from McCambridge et al. Specifically, with the present invention, both actuators are at the same side of the curler, that is, both extend to the handle side, and both actuators are in close proximity to each other and with the same pivot point. In addition, both actuators are activated by pressing down on first actuating lever 146, which produces a lever action that causes actuation of the second actuating lever 160. As a result, when first actuating lever 146 is pressed down, the styling side will open.

The actual moving part is the upper straightening barrel when using the straightening function. There is thus no need for any locking device in order to use the different functions of straightening or curling.

Specifically, when plastic head 156 only is pressed down, lever 146 actuates lever 160 as well, and both transversely curved, elongated plate 158 and upper straightening barrel 138 will be simultaneously moved up relative to lower straightening barrel 90. However, if plastic head 168 alone is pressed, only transversely curved, elongated plate 158 will open. This is

because second actuating lever 160 passes through the rectangular opening 157 of first actuating lever 146.

In other words, unlike McCambridge et al, the two levers 146 and 160 of the present invention are dependent, rather than the completely distinct, unrelated levers of McCambridge et al.

In order to emphasize this distinction, claim 1 has been amended to recite that the second lever, because of its structure, performs two functions, namely:

- a) actuating the second elongated member to pivot the second elongated member away from the first elongated member, and
- b) simultaneously engaging the first lever to pivot the curved elongated member together with the second elongated member away from the first elongated member.

Thus, the second actuating lever 146 of the present invention a) actuates the second elongated member 138 to pivot the second elongated member 138 away from the first elongated member 90, and b) simultaneously engages the first actuating lever 160 to pivot the curved elongated member 158 together with the second elongated member 138 away from the first elongated member 90.

There is no engagement at all between the levers 36 and 72 of McCambridge et al. Rather, as discussed above, they operate completely independently of each other.

It will be appreciated that the amendments made to claim 1 are merely a clarifying nature, since original claim 1 already recited that the first lever actuated the curved elongated member to pivot the same, and that the second lever actuated both the second elongated member and the curved elongated member to pivot the same. Thus, the action of the second lever functioning to pivot both the second elongated member and the curved elongated member were already recited in claim 1. In McCambridge et al, the second lever 36 only functions to pivot the lower barrel, and has no relation to the curved elongated member.

Accordingly, it is respectfully submitted that the rejection of claims 1, 3, 7 and 10-12 under 35 U.S.C. §102(e), has been overcome.

Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as being obvious from McCambridge et al in view of U.S. Patent No. 6,667,462 to Lo.

The remarks made above in regard to McCambridge et al are incorporated herein.

Lo fails to cure any of the aforementioned deficiencies as to McCambridge et al. In Lo, there is only one lever, and a slide switch is required to either connect or disconnect the curling plate to the upper elongated barrel. This is very different from the present claimed invention of claim 1.

Accordingly, it is respectfully submitted that the rejection of claims 13 and 14 under 35 U.S.C. §103(a), has been overcome.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-15 are allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,


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